
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 310

The Bovine Viral Diarrhoea (Scotland) Order 2019

PART 1

Preliminary

Citation, commencement and extent

1.—(1) This Order may be cited as the Bovine Viral Diarrhoea (Scotland) Order 2019 and comes into force on 1 December 2019.

(2) This Order extends to Scotland only.

Interpretation

2.—(1) In this Order unless the context otherwise requires—

“2013 Order” means the Bovine Viral Diarrhoea (Scotland) Order 2013(1),

“the Act” means the Animal Health Act 1981(2),

“approved laboratory” means a laboratory approved by the Scottish Ministers in accordance with article 7,

“approved veterinary surgeon” means a veterinary surgeon approved by the Scottish Ministers in accordance with article 6,

“bovine animal” means a domestic animal of the genus *Bos* or the species *Bubalus bubalus* or *Bison bison*,

“breeding bovine animal” means a bovine animal not forming part of a herd of bovine animals which, whether by natural, assisted or artificial means, is intended by its keeper to breed or no steps are taken to prevent or minimise the chances of its breeding,

“breeding herd” means a group of two or more bovine animals in which breeding, whether by natural, assisted or artificial means, is intended by its keeper to take place or no steps are taken to prevent or minimise the chances of such breeding,

“BVD” means bovine viral diarrhoea,

“BVDV” means BVD virus,

“calf” means a bovine animal aged 18 months or less,

“collective BVD status” means the BVD status of a breeding herd as determined in accordance with article 27,

“coming into force day” means the day on which this Order comes into force,

“CPH number” means the county parish holding number assigned to a holding or part of a holding by the Scottish Ministers,

(1) S.S.I. 2013/3. Amended by S.S.I. 2013/21, S.S.I. 2013/337, S.S.I. 2013/363 and S.S.I. 2015/186.

(2) 1981 c.22.

“dairy breeding herd” means a breeding herd which is primarily maintained for the purpose of milk production and which is being managed according to a system which allows for the possibility of calving throughout the year,

“high risk animal” means a bovine animal which—

- (a) is a qualifying calf,
- (b) has been moved onto and kept on a holding for a period of more than 40 days and immediately prior to the movement was part of a breeding herd which had a collective BVD status of not negative, or
- (c) is an animal which has—
 - (i) spent any part of its life outside Scotland and been moved into Scotland, and
 - (ii) been kept in Scotland for a period of more than 40 days,

“holding” means a holding or part of a holding to which a CPH number has been assigned,

“individual BVD status” means the BVD status of an individual bovine animal as determined in accordance with article 26,

“inspector” has the same meaning as in section 89 of the Act,

“keeper” means, in relation to a bovine animal, the person who is in day-to-day charge of the animal and that person remains the keeper where the animal is placed temporarily in the control of another person (including where it is placed in the control of a transporter),

“management tag” means an ear tag, other than an official ear tag, which is suitable to be applied to a bovine animal for the purpose of taking a sample of tissue,

“official ear tag” means an ear tag applied under the Cattle Identification (Scotland) Regulations 2007(3),

“official ear tag number” means the number which is printed on an official ear tag,

“premises” means any land, building or vehicle, of any description,

“qualifying calf” means a calf of a bovine animal that is born otherwise than into a breeding herd or to a breeding bovine animal,

“separately managed group” means, within a breeding herd, any bovine animals that, for a period of two consecutive months or more, graze or are housed together—

- (a) separately from any other animals in the herd, and
- (b) in sufficient proximity to each other to allow BVDV to circulate amongst them,

“Shetland Islands” means the local government area of the Shetland Islands which comprises the area of Shetland Islands Council as set out in section 1(2) and schedule 1 of the Local Government etc. (Scotland) Act 1994(4),

“veterinary inspector” has the same meaning as in section 89 of the Act, and

“working day” means a day which is not a Saturday, Sunday or a day specified as a bank holiday in paragraph 2 of schedule 1 of the Banking and Financial Dealings Act 1971(5).

(2) In this Order, any reference to a compliance deadline is a reference to a compliance deadline determined in accordance with article 11.

(3) In this Order, unless the context otherwise requires, any reference to an article or a schedule is a reference to an article in, or the schedule of, this Order.

(3) S.S.I. 2007/174. Amended by S.S.I. 2007/312, S.S.I. 2011/412, S.S.I. 2017/133, S.S.I. 2018/391 and S.S.I. 2019/71.

(4) 1994 c.39.

(5) 1971 c.80. Amended by St Andrew’s Day Bank Holiday (Scotland) Act 2007 (asp 2).

Notices and other instruments

3.—(1) Any notice, licence or approval given by the Scottish Ministers or an inspector under this Order—

- (a) may be subject to conditions, and
- (b) unless specified otherwise, may be amended, suspended or revoked by the same type of instrument at any time.

(2) Any licence or approval under this Order must be in writing.

(3) Where anything under this Order is to be done in writing that includes an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000⁽⁶⁾, which has been recorded and is consequently capable of being reproduced.

(4) Any person moving a bovine animal under the authority of a licence granted under this Order must—

- (a) keep upon that person the licence or a copy of it at all times during such movement,
- (b) on demand by a veterinary inspector, an inspector or an officer of the Scottish Ministers, produce the licence or a copy of it and allow a copy or extract to be taken, and
- (c) keep the licence or a copy of it for the period of 6 months after the movement is completed.

Extension of the definition of “disease”

4. The definition of “disease” in section 88(1) of the Act continues to be extended to include BVD for all the purposes of the Act⁽⁷⁾.

Compliance with this Order

5.—(1) Any sampling by a previous keeper for the purposes of compliance with the obligations of a keeper under this Order may, if the current keeper so elects, be relied upon by the current keeper for the purposes of determining compliance by the current keeper with the obligations in this Order.

(2) Any obligation under this Order on a keeper to take a sample may, if the keeper so elects, be fulfilled by the keeper arranging for another person to take the sample on the keeper’s behalf.

(3) Any obligation under this Order on a keeper to submit a sample may, if the keeper so elects, be fulfilled by the keeper arranging for another person to submit the sample on the keeper’s behalf.

⁽⁶⁾ 2000 c.7. Amended by the Communications Act 2003 (c.21).

⁽⁷⁾ The definition was so extended by article 4 of the 2013 Order, which is revoked by article 44.